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1 July, 1986

BY EXPRESS MAIL

John F. Lynch, Jr., Esquire
Carpenter, Bennett & Morrissey
Gateway Three
100 Mulberry Street
Newark, New Jersey 07102

Re: Duane Marine Salvage Corporation Superfund Site
Perth Amboy, New Jersey
Administrative Orders II-CERCLA-50102, -50105, -50107

Dear Mr. Lynch:

This letter is written in response to your letter of April 28, 1986. In that letter, on behalf of the Duane Marine Steering Committee, you urge the U.S. EPA to acknowledge that the respondents to the administrative orders named in the caption have complied with those orders and with the provisions of the work plan submitted pursuant to the orders.

On March 18, 1986, as you may recall, EPA technical staff met at the Duane Marine site with Bob Ehlers, of Fred C. Hart Associates, to inspect the progress of the work at the site. At that time, EPA described to Mr. Ehlers the work that remains to be addressed under the administrative orders. Mr. Ehlers informed EPA that he would relay the concerns of EPA to the Steering Committee, and that the Committee would submit a proposal to address the remaining work. To EPA's surprise, your letter of April 28 contained no such proposals, but rather, in it was a statement of the Committee's belief that no work remains to be addressed.

Appropriate EPA staff members have addressed the concerns you raised in your letter. At this time, EPA's position is that a number of tasks still remain to be performed before EPA can acknowledge that the requirements of the work plan and the administrative orders have all been met.

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EPA's concerns are the following:

I. Vessels and containers

A. On-site vessels and containers. Assuming that these vessels and containers are to remain on the site at the conclusion of the work, EPA requires proof of decontamination--that is, proof that no hazardous substances remain in or on the surfaces of these items.

B. Off-site vessels and containers. Certain vessels and containers were moved to locations outside the fence, which bounds the Duane Marine property, during removal operations that have been conducted by the respondents to the orders. These items should be moved back on to the property, and they should be treated in the same manner as the on-site vessels and containers in § I.A. above.

C. Fragments of vessels and containers. At various locations on the site, drum fragments and other contaminated site debris remains to be addressed.

II. Soils

A. Loose soils on the surface of the concrete pad must be collected and disposed of properly.

B. Exposed soils adjacent to the disused railroad tracks in the northwest area of the site must be excavated to a depth of at least one foot and removed for off-site disposal. EPA reserves the right to re-inspect these areas after excavation in order to determine whether further action would be necessary.

C. Soils which have collected in the berm area which bounds the eastern edge of the concrete pad (and is bounded on its other edge by the waters of the Arthur Kill) must be removed and disposed of properly.

D. Soils contained within the diked area around Tank T-27, especially soils on the south side of the tank, must be removed and disposed of properly. Respondents must provide EPA with sampling results. After sampling results have been evaluated, EPA will determine whether there is a need for additional soil removal from this area, taking into account respondents' expressed concern over the structural integrity of T-27.

When you are ready to respond to these concerns, please contact me at (212) 264-8067.

Sincerely,

Margaret Thompson
Assistant Regional Counsel
NJ Superfund Branch
Office of Regional Counsel

bcc: ✓ Janet Feldstein, 2ERRD-SIC
John Ulshoefer, 2ERRD-RP